

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

GILEAD SCIENCES, INC. and
EMORY UNIVERSITY,

Plaintiffs,

v.

MYLAN INC. and MYLAN
PHARMACEUTICALS INC.,

Defendants.

Civil Action No. 1:14-cv-99 (IMK)

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO FILE
UNDER SEAL EXHIBITS 3 AND 4 TO PLAINTIFFS' MOTION TO COMPEL
DEFENDANTS TO PRODUCE DOCUMENTS**

Pursuant to Local Rule of General Practice and Procedure 6.01, Plaintiffs Gilead Sciences, Inc. and Emory University respectfully move the Court for leave to file the following documents under seal.

- 1) Exhibit 3 to Plaintiffs' Motion to Compel Defendants to Produce Documents (Dkt. No. 160)
- 2) Exhibit 4 to Plaintiffs' Motion to Compel Defendants to Produce Documents (Dkt. No. 160)

Defendants Mylan Inc. and Mylan Pharmaceuticals Inc. do not oppose this motion.

On May 28, 2015, Plaintiffs filed a motion to compel Mylan to produce documents, which included six exhibits. Dkt. No. 160. On June 15, 2015, Mylan filed a motion for an extension of time to respond to Plaintiffs' motion to compel, which the Court granted. Dkt. Nos. 172, 173. On June 22, 2015, Mylan filed its response to Plaintiffs' motion to compel. Dkt. No. 176. On June 25, 2015, Mylan notified Plaintiffs that Exhibits 3 and 4 to Plaintiffs' motion to

compel contained highly sensitive information and requested that Plaintiffs take appropriate action.

Exhibits 3 and 4 to Plaintiffs' motion to compel are document production letters sent by Mylan to Plaintiffs on March 20, 2015 and May 8, 2015, respectively. Dkt. No. 160. Both production letters include information that allowed Plaintiffs to access the produced documents at a file transfer protocol ("FTP") site. An FTP site allows a user to download documents from a website with a username and password. Neither letter is designated as CONFIDENTIAL information under the Protective Order (Dkt. No. 83), nor is the FTP site information, including the FTP site username and password, designated as CONFIDENTIAL information under the Protective Order.

While Exhibits 3 and 4 do not contain CONFIDENTIAL information under the Protective Order, these exhibits should be filed under seal to prevent the public from accessing the FTP site username and password. For this reason, Plaintiffs respectfully request leave to file under seal Exhibits 3 and 4 to Plaintiffs' Motion to Compel Defendants to Produce Documents (Dkt. No. 160).

Dated: June 26, 2015

Respectfully submitted,

/s/ Chad L. Taylor
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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2015, the foregoing **MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS 3 AND 4 TO PLAINTIFFS' MOTION TO COMPEL DEFENDANTS TO PRODUCE DOCUMENTS** was served upon the attorneys of record for Defendants Mylan Inc. and Mylan Pharmaceuticals Inc. using the CM/ECF system, which will send notification of the filing to the counsel of record for Mylan Inc. and Mylan Pharmaceuticals Inc.

/s/Chad L. Taylor

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